

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KYLE SMITH,

Plaintiff,

v.

PROMARK PRODUCTS WEST, INC.,

and

ARIENS COMPANY,

Defendants.

CIVIL ACTION NO. 02-CV-2718

ORDER

AND NOW, this _____ day of January, 2005, upon consideration of Plaintiff's Motion *in Limine* to Preclude Records and Testimony Relating to Drug/Alcohol Abuse or Treatment (Docket No. 48), Defendants' response thereto (Docket No. 51) and Plaintiff's reply (Docket No. 53), it is hereby **ORDERED** that Plaintiff's motion is **GRANTED in part**, and **DENIED in part**.

Defendant shall be permitted to introduce evidence and testimony relating to drug and alcohol abuse or treatment by the Plaintiff for the limited purpose of calculating Plaintiff's loss of earning capacity. Defendant shall be precluded from entering such evidence or testimony beyond this limited purpose.

BY THE COURT:

RONALD L. BUCKWALTER, S.J.